

From: Thomas Diehl
To: Microsoft ATR
Date: 12/18/01 9:40am
Subject: Public Comment

I usually do not comment on issues such as this trial, but I am baffled by how much leeway Microsoft has had in determining its own punishment for abusing monopoly power.

If a person commits and is convicted of murder, there is very little disagreement on whether jail time is appropriate punishment. The defendant doesn't decide the nature of the punishment. While I understand that there is little well defined precedent for this case, that does not justify repeated rebuttals of punishment until they fit within the control of Microsoft.

I would like to add my own suggestion for part of the punishment appropriate to the crime. One of the reasons Microsoft maintains a monopoly is control of the Office software sales. I would think removing proprietary rights to any file formats of current and future (5+ years) Microsoft products would be appropriate. I believe that if this is done, it would allow competitors access to the market since purchasing Microsoft software would not be required for compatibility. This could have addressed issues with Java compatibility, preventing the continuous upgrade path Microsoft forced on the office software consumers, and several other areas where Microsoft is trying to gain control, such as video and audio formats, graphics drivers and others.

Thank you for taking the time to read this. As I have watched this case through several phases, the arrogance and poor morality of Microsoft has made itself readily apparent. I believe something must be done that will actually change how business is done at Microsoft. The current settlement does not appear to offer any repercussions that could prevent Microsoft from maintaining a monopoly through abuse of that monopoly.

Sincerely yours,
Thomas Diehl

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